

REMARKS

1. Summary of the Office Action

In the Office action mailed June 23, 2008, the Examiner objected to claim 1 for informalities. The Examiner also rejected claims 1, 4, 5, 8, 12-21, and 23 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 5,223,827 (Bell) in view of U.S. Pat. No. 6,434,715 (Anderson), U.S. Pat. No. 6,502,131 (Vaid), and U.S. Pat. No. 6,647,517 (Dickey).

2. Status of the Claims

Presently pending are claims 1, 4, 5, 8, 12-21, and 23 are presently pending, of which claims, 1, 8, 21 and 23 are independent, and the remainder are dependent. Applicants have amended various claims as follows.

Applicants have amended claim 1 to correct a typographical error noted by the Examiner. Specifically, the Examiner suggested that the phrase intended phrase "at least existing one log event" in claim 1 should read "at least one existing log event." Applicants agree, and have corrected the typographical error.

Applicants have also amended claims 1 and 21 to ensure proper establishment of antecedent basis for "a number of preceding equivalent events."

No new matter has been added by way of any of the above amendments.

3. Response to Objection of Claim 1

The Examiner objected to claim 1 for various informalities. Applicants have corrected this error by amendment, as noted above. Applicants respectfully request that the Examiner withdraw the objection to claim 1.

4. Response to Rejections under 35 U.S.C. § 103(a)

a. Claims 1, 8, 21, and 23

The Examiner rejected claims 1, 8, 21, and 23 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Bell, Anderson, Vaid, and Dickey. Applicants submit that the combination of Bell, Anderson, Vaid, and Dickey does not reasonably or logically lead to Applicants' claimed invention, and further, that there would have been no motivation to combine Anderson with Bell. Applicants therefore submit that the rejections are improper and should be withdrawn. Applicants first direct their remarks to claim 1, and subsequently address claims 8, 21, and 23.

Dickey does not teach “responsive to determining an event corresponds to an already recurring event, updating at least one existing log event entry by marking the at least one existing log event entry as recurring”

The Examiner conceded that the combination of Bell and Anderson does not teach “responsive to determining an event corresponds to an already recurring event, updating at least one existing log event entry by marking the at least one existing log event entry as recurring” and “wherein the normal event log entry is a log entry indicating the event does not correspond to the already recurring event.” However, the Examiner asserted that Dickey does teach these limitations, pointing to the disclosure in Dickey of a secondary error log for logging a repeat error. Specifically, the Examiner cited column 5, lines 10-13 in Dickey, “[i]f

this error is not the first occurrence of an error of this severity level since the error logs were cleared, then in operation 610 the error *is logged in the secondary error log*, and operation 620 is next” (emphasis added).

Applicants submit that Dickey, in fact, does not teach marking an “existing log event entry as recurring,” as recited in claim 1, but rather teaches logging a *new* entry to a separate (i.e., “secondary”) log. Indeed, Dickey does not teach anything regarding marking existing log events based upon subsequent occurrences of equivalent events. The purpose of the invention disclosed in Dickey is to “log the first occurrence of the most severe error that occurred” (column 3, lines 8-10), as well as to provide “extensive error logging information” (column 2, lines 58-60) for the first occurrence of errors of a variety of severities. Both the primary and secondary logs in Dickey provide just one bit of a register to record the occurrence of errors of each anticipated severity level, so logging in these registers corresponds to a binary decision as to whether or not a particular type of error has ever occurred.

Dickey also discloses an “order register” (e.g., column 4, lines 4-24) that records the order of *first* occurrence. In particular, a sequence number corresponding to the order of first occurrence of an error of a particular severity is *frozen* upon that first occurrence. Thus, to the extent that this sequence number could even be considered as analogous to a marking as recited in claim 1 (a proposition that Applicants submit is not supported), once the first occurrence of an error is observed and an associated log entry “exists,” no subsequent occurrence of the same type of error updates anything having to do with the existing log entry.

In view of the above discussion, Applicants submit that Dickey does not teach the claim limitation “responsive to determining an event corresponds to an already recurring event, updating at least one existing log event entry by marking the at least one existing log event entry as recurring,” and thus does not make up for the deficiency of Bell and Anderson acknowledged by the Examiner. Moreover, this limitation of claim 1 does not reasonably or logically follow from any combination of Bell, Anderson, Dickey, and Vaid.

There would have been no motivation to combine Bell and Anderson

Bell teaches a process and apparatus for managing network event counters. In particular, Bell teaches how a “sliding event threshold counter” and a “sliding interval counter” may be used to provide relative values of event counts and time passage with respect to absolute values of these metrics (e.g., Abstract). In so doing, the invention of Bell aims to accomplish a fundamental operating principle of allowing “absolute values of interval and event counts to be maintained, while at the same time allowing differential values to be used for present measuring purposes” (column 4, lines 62-65).

Anderson teaches a method of detecting systematic fault conditions in an intelligent electronic device. More specifically, the invention of Anderson seeks to use repeated observation of certain errors as an aid to detecting systematic fault conditions (e.g., Abstract). Anderson teaches that an event storage table is used to accumulate events, and to compare characteristics of newly-occurring events with those already tabulated in order to uncover possible trends that may be indicative of systematic faults (e.g., column 3, lines 24-57). As part of the fundamental operation, Anderson teaches that event counts are reset either upon accumulation of “X” events or after advancing a sliding time window. For example, Anderson discloses “[i]n the user configured event storage table the following logic

is applied: keep X events then reset OR use sliding window of X days then reset events outside of window” (column 3, lines 27-30). Similarly, Anderson teaches resetting events at column 3, lines 54-56.

Applicants submit that the resetting of events taught by Anderson runs counter to the fundamental purpose taught in Bell of preserving absolute event counts even as a threshold is crossed or a sliding time window advances. Specifically, while Bell discloses resetting counters as an initial step (e.g., step 201, Figure 2), Anderson teaches resetting upon a threshold of “X” events and resetting outside of a sliding time window, both of which correspond to resetting the very events that Bell seeks to preserve. In either case, combining Anderson with Bell, as suggested by the Examiner, would both change the principle of operation of Bell as well as render Bell unsatisfactory for its intended purpose by failing to preserve at least the absolute event counts. In accordance with M.P.E.P. § 4143.01 V, “[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” Further, in accordance with M.P.E.P. § 4143.01 VI, “[i]f the proposed modification or combination of prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” In view of the above discussion, Applicants submit that there would have been no motivation to combine Bell and Anderson, and that the alleged case for *prima facie* obviousness is unsupported.

Applicants submit that claim 1 is allowable for at least the reasons discussed above.

Each of independent claims 8, 21, and 23 include, *inter alia*, limitations similar to those discussed above in connection with claim 1. Applicants submit that their arguments

with respect to claim 1 therefore apply to claims 8, 21, and 23 as well, and that claims 8, 21, and 23 are allowable for at least the reasons claim 1 is allowable.

b. Claims 4, 5, and 12-20

Each of claims 4, 5, and 12-20 depend, in one way or another, from one of independent claims 1 or 8, both of which are allowable for at least the reasons discussed above. Applicants submit that for at least this reason, claims 4, 5, and 12-20 are allowable as well. Further, Applicants do not concede any of the Examiner's specific assertions with regard to claim 4, 5, or 12-20.

5. Conclusion

The Applicants submit that the application is in good and proper form for allowance and respectfully request the Examiner to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned at 312-913-3353.

Respectfully submitted,

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